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U.S. Department of Justice

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Civil Division

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March 30, 2024

Via CM/ECF

Granted.

Hon. Robert W. Lehrburger
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

SO ORDERED:

4/1/2024

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Re: *Da Costa v. Commissioner of Social Security*¹
Civil Action No. 1:23-cv-06396-RWL
Letter Request for Extension of Deadlines

Dear Judge Lehrburger:

This Office represents the Commissioner of Social Security (Commissioner), the Defendant in this matter. We write to respectfully request an extension of the Commissioner's Brief deadline in the above-referenced Social Security case.

Pursuant to the Order at Docket No. 18, the Commissioner's brief is due to be filed by April 9, 2024, and Plaintiff's reply brief is due to be filed by April 23, 2024. This case is a non-disability case, and the undersigned needs additional time to confer with the agency about the issues Plaintiff has raised and about the facts of this case. Given these compelling circumstances, the undersigned attorney respectfully requests additional time to prepare the Commissioner's Brief.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

The undersigned proposes the following modified and comprehensive schedule for future filings in this case:

- Defendant's brief shall be filed by May 24, 2024; and
- Plaintiff's reply shall be filed by June 7, 2024.

This is the fourth request for extension in this case. Plaintiff's counsel consents to this request.

We thank the Court for its consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

BY: /s/ Avni Gandhi
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cc: Christopher Bowes, Esq. via CM/ECF